



[SF 2186](#) – Unauthorized Dissemination of Sexually Explicit Images (LSB5533SV)
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Fiscal Note Version – New

Description

[Senate File 2186](#) makes the following changes:

- The Bill expands the definition of “another person” as it pertains to harassment and extortion.
- Expands the definition of extortion to include a person who threatens to disseminate, publish, distribute, or post a photograph or film showing another person in a state of full or partial nudity, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the material.
- The perpetrator of extortion may be charged with involuntary manslaughter, in addition to the penalties for extortion, if the victim of extortion commits suicide as a result.
- The perpetrator of the harassment may be charged with involuntary manslaughter, in addition to the penalties for harassment, if the victim of extortion commits suicide as a result.

Background

Under Iowa Code section [711.4](#), a person commits an act of extortion when, to obtain for oneself or another anything of value, tangible or intangible, including labor or services, the person does any of the following:

- Threatens to inflict physical injury on some person, or to commit any public offense.
- Threatens to accuse another of a public offense.
- Threatens to expose another person to hatred, contempt, or ridicule.
- Threatens to harm the credit, business, or professional reputation of any person.
- Threatens to take or withhold action as a public officer or employee, or to cause some public official or employee to take or withhold action.
- Threatens to testify or provide information or to withhold testimony or information with respect to another person’s legal claim or defense.

The penalty for extortion is a Class D felony.

Under Iowa Code section [708.7](#), a person commits an act of harassment when, with the intent to intimidate, annoy, or alarm another person, the person does any of the following:

- Communicates with another person without a legitimate purpose.
- Places a simulated explosive or incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
- Orders merchandise or services in the name of another, to be delivered to another, without the other person’s knowledge or consent.
- Reports, or causes to be reported, false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing that the act did not occur.
- Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial

nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the photograph or film.

The penalty for harassment in the first degree is an aggravated misdemeanor.

Under Iowa Code section [707.5](#), involuntary manslaughter is punishable as a Class D felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

In FY 2023, there were 28 convictions under Iowa Code section 711.4(1) and 20 convictions under Iowa Code section 708.7(1)(a)(5).

A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but no more than \$10,245. An aggravated misdemeanor is punishable by up to two years in confinement and a fine of at least \$855, but not more than \$8,540.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

Senate File 2186 expands the definitions of extortion and harassment. The Bill also provides that individuals that commit harassment or extortion that result in a victim committing suicide may be charged with involuntary manslaughter. It is not known how many additional convictions under extortion or harassment would result from the expanded definition. It is also not known how many convictions involving harassment or extortion would result in a victim committing suicide. Therefore, the correctional impact cannot be estimated.

Figure 1 shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
D Felony (Non-Persons)	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67

Minority Impact

The minority impact cannot be estimated due to a lack of existing conviction data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact cannot be estimated due to a lack of existing conviction data. The average state cost per Class D felony is between \$12,600 and \$18,200. The estimated impact to the

State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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